IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF TENNESSEE

DAVID DELL'AQUILA, LORANNDA)
BORJA, TODD CHESNEY, and BRENT)
WEBER, on behalf of)
themselves and all others similarly situated,)
)
Plaintiffs,)
) No: 3:19-cv-00679
- against -) Judge William L. Campbell Jr.
)
WAYNE LAPIERRE, NATIONAL RIFLE) Magistrate Judge Jefferey S. Frensley
ASSOCIATION OF AMERICA, and)
NRA FOUNDATION, INC.)
)
Defendants.)

WAYNE LAPIERRE'S MOTION TO DISMISS PLAINTIFFS' SECOND AMENDED COMPLAINT

Defendant the Wayne LaPierre, by and through the undersigned counsel, hereby moves to dismiss Plaintiffs' Second Amended Complaint in its entirety for failure to state a claim for relief pursuant to Federal Rules of Civil Procedure 12(b)(1) and 12(b)(6) and for failure to comply with the pleading requirements of Federal Rule of Civil Procedure 9(b). This Motion is based upon Wayne LaPierre's supporting memorandum of law, the arguments of counsel, and all of the files, records and proceedings therein.

Dated: February 19, 2019

By: /s/ W. Allen McDonald LACY, PRICE & WAGNER PC W. Allen McDonald 249 N. Peters Rd., Suite 101 Knoxville, TN 37923 (865)-246-0800

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ATTORNEYS FOR THE NATIONAL RIFLE ASSOCIATION OF AMERICA AND WAYNE LAPIERRE

CERTIFICATE OF SERVICE

I do hereby certify that a copy of the foregoing was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the Notice of Electronic Filing. Parties may access this filing through the Court's electronic filing system.

Date: February 19, 2020

/s/ W. Allen McDonald